## THE WONDERFUL TRIAL.

One Hundred and Fifth Day of the Scandal Suit.

MR. BEACH'S GREAT SPEECH.

A Vigorous and Powerful Effort for the Plaintiff.

TSSUE BETWEEN PORTER AND BEACH,

The Jury Bearded and Realize Their Duty.

## A REGULAR FIELD DAY.

-As far as numbers and distinguished company went yesterday was too field day in the great seandal case. People from all parts of the counbry were present. Senator Morton, Governor Par-kar of New Jersey, and Chief Justice Church, Congressman De Witt, Cortland Parker, of the New Jersey Bar; Judge Van Syckel, of the Court of Appeals, New Jersey; Dr. Darrin, of Rochester; General Tibbets, of Troy; C. H. Windeld, of New York, and John Wilson, of Aberdeen, Scotland, had seats on the beach. The ladies penetrated into every corner of the court room. Exactly twelve of them sat in the jury box to the left of the bench facing the masculine and bona fide jury on the other side of the room. It was a thick and sweltering throng. In the corridor outside 400 or 500 people stood all day long waiting for the delusive chance of getting inside the court room. Mr. Beach was received with cheers by the outside crowd, but the presence of the Judge, stern and unbending, suppressed an unmistakable impuise to applaud on the part of the inside multitude. The whole strength of counsel on both sides was represented, including even General Pryor, who has been absent from the trial for some time.

THE OPENING by Mr. Beach was tame. The audience had come together to be stimulated by a treat offiery deciamation. In this they were disappointed. The first two hours were dulf, save for five or ten minutes, when counsel struck a vein of eloquence fully equal to any effort of the previous two days. The afternoon, however, was extremely enliven ing. Mr. Beach, despite his hoarseness, made himself as effective as ever. While he was saliting slong under a full head of steam and dwelling the charge of "improper solicita-Sisted Tilton made, and not one of indultery, up jumped Judge Porter in an excited manner and in effect accused Mr. Beach of falsehood. Quite a scene took place. Mr. Beach perstated in his original statement, while frequent applause, checked before it had time to expend itself, broke forth from the audience.

Mr. Beach continued his address by referring to the waste of time on the other side in denouncing Frank Moulton for rotaining the Beecher correspondence, and for half an hoar continued to argue in tustification of the conduct of Mr. Moulton. He next passed to the subject of the Bowen arbitration, and contended that when the award was made Theodore Thion was charging Mr. Beecher with an offence, and Frank Moulton's offices at time were those of a man sent by God to protect Beecher as he himit was a monstrous charge against this man that he conspired to injure Beecher. If the papers were harmless, why att this commotion. "If these papers acquit you, Mr. Beecher, thank God aney have been preserved." Counsel turned and looked toward the defendant as he uttered the words, while an at-Counsel next referred to Bowen, of whom he said certain questions had not been usked by his side because they could not ask them. Bowerwas not their witness. He was called on the principle of eneming every avenue of truth. Mr. Evaris smued, and as Mr. Beach detected it he turned to his learned friend and said, "My friend smiles marcastically; but if he had asked Bowen as to fae Interview between him and Tilton and if he could have contradicted Tilton there and then, how the maxim 'Falsus in uno falsus in omnibus' would have rolled from his mouth,"

THE NEXT POINT criticised was Evarus' statement that this adultery could have been only miraculous, and counsel told the old story of the Irishman who was given an illustration of what a miracle was by a kack on the shin by the priest. He went into an susiysis of Mrs. Tilton's leelings as expressed in her letters to her "love-skilled pastor, whose obscene adultery began with prayer and ended with a cenediction." Here a loud, ripping laugh ran through the audience. Mr. Beecher kept himself busy with a newspaper. Mr. Beach went on to show the relations between Mrs. Telton and Beecher, quoting from several letters of the former and making comments by the way.

SPIRITUAL DELUSION. Continuing his address after recess Mr. Beach referred to the argument of Mr. Evaris that Mrs. Tilton could not have fallen except through some acter in Sir Walter Scott's "Woodstock," Muster Tempkins, who fought with the Bible on his lips, and who in spite of his rigid Puritanism was not altogether impregnable to the influence of beauty. the forester's osughter, the subject of which was that in the thought and not in the corporal act the sin of seduction consisted. Counsel drew an analogy between Mr. Beecher and Muster Tompkins in their modes of seduction. Tompkins held in his discourse to Phobe that to the saints, one of which he was, many privileges were given that the ungodly elutm. Counsel admitted that it was impossible for witnesses to be exact as to the de sails of an event that occurred some time previous to their testifying; but they could never forget the great central fact of an admission made to them of such a great crime as admitery by so prominent a man as Henry Ward Beecher. Counsel referred to the services of Mr. Beecher in England as an argument made by the other side to free the desendant from the charge of adul-

MR. REAGR'S ADDRESS.

Shortly after eleven o'clock Mr. Beach resumed his address as follows:—'very much time and a great degree of indignation were exceeded upon the theory that ar. Monition had been guilty of disconorable and faithless conduct in his failure to burn the papers relating to this sensition, as it was assumed that that was one of the conditions of the award made by the arbitrators to which for Thion and Mr. Monition assented. But the joundation of the especial comments, severe and represensible, of the part of Mr. Evaria, was the testimony of Mr. Storra regaining to a conversation some ten days subsequent to the arbitration and representable, on the part of Mr. Everts, was the testimony of Mr. Stores relating to a conversation and the award. It has several to the arbitration and the award. It has several to the arbitration and the award. It has several to the arbitration and the award. It has several to the arbitration and the award. It has several to the stores again the form of the conversation of which he expenses, said that Sam Wilkedon, as he called him, what every several to the following the second of the papers, and Mr. Moulton said, "On yor, I have nutried the papers, or Mr. Beecher's impology and the papers, and Mr. Moulton said, "On yor, I have nutried the papers, or Mr. Beecher's impology and the papers, and first the papers are in thinks I have burnes all these papers he is mistaken. What would inconvere do in case of troubles?" He says again on cross-examination, "Week, this was the conversation as I said: It commissioned about the tripartite batteries as far as I now remember, I had not had kny talk with Him before, and I was telling him that Mr. Bowen fell that we brought in too large a sum; his sons felt aggreeived, said then, during this conversation, Mr. Moulton said that Sam Wilkeson had either seen him or written him—I would not be positive which—that he wanted him to curn, to be sure to borns, Mr. Beecher's apology and all the papers, Mr. Beecher's apology and all the papers of the mission thinks I have burned all those papers he is missiaken. What would Theodore do in case of trouble?" I then handed to Mr. Storrs the letter of Sam Wilkeson, "he, as roe perceive, representing itsat Moulton and all the papers to the series of Sam Wilkeson," he, as roe perceive, representing itsat Moulton.

come from Sam Wikeson, and there is no intima-tion in this conversation on the part of Mr. Moul-ton or Mr. Storrs that the duty of burning the papers or that the request to burn the papers was connected with or arose in any degree out of the arbitration and award. Mr. Storrs does not nerse pretend that the conversation and any connection with the arbitration and award, but says that it arose out of the tripartite agreement, with which as you remember, in: Sam Wikason was intimately connected, he having no connection wintever with the arostration and award, and ar. Wikason, after the tripartite agreement had been executed, and that act of composure and friend-iness had been completed as between the parties. he addressed this letter to Mr. Mouiton, which I will read you: from Sam Wilkeson, and there is no intima-

incess had been completed to Mr. Mounton, when he addressed this letter to Mr. Mounton, was and your.

My Dwan Frissen-New for the closian act of justice and duty. Let Theodore pass into your quads the written apploys which he holds for the improper alvances, and do you pass it into the flames of the friendly fire in your room of reconfifiation. Then let Theodore talk to Oliver Johnson. I hear that be and Carpentig, the art set, have made this whole affer the anticut of conversation in the clubs. Sincercity yours,

SAMUEL WILKESON.

THE RESULTS.

Now, two things result from that letter:—First, that it did not originate from that letter:—First, that it did not originate from the arbitration and the awars: and second, that there was no request of demand, or insumation, that it was the duty of Mr. Moulton to ourn all the papers. It was confined to the letter of apology, the so called "letter to did not the letter of apology, the so called "letter to for the letter of apology, the so called "letter to for the letter of apology, the so called "letter to for the letter of apology, the so called "letter to Mr. Storrs, when he repeated the conversation that Mr. Moulten attributed the request to burning the papers of Mr. Wilkehon, arising out of the tripartite covenant, he of course was somewhat confounded, and it is perfectly evident, gentlemen, that Mr. Storrs, in the relation of this conversation, was wholly mistaken in the allusion which was made by Mr. Moulton to the papers. You will remember the lessons which our learned friends have given to us in regard to the falliole nature of evidence as to conversations and confessions. My friend, Mr. Porter, renders a very able, instructing and trulinid essay apon that subject, in every word of which I agree—it is one of the most difficult efforts of human memory to recall and repeat a conversation; and it is, I admit, a hazardous species of evidence, to be scrutinized and criticised and taken with proper degrees of allowance, and I am quite content that the same application should be made of it to the evidence on the part of the defence.

When counsel said it was one of the most difficult things for the human memory to recall and the part of the plaintiff, and I insist that the same application should be made of the most difficult things for the human memory to recall and

cuit things for the human memory to recall and give a precise recital of a conversation long past the Beecher people smiled at the admission and remembered for a moment Mrs. Moulton's celebrated interview with Beecher, which she appeared to give word for word two years after its occurrence. It is a noticeable feature of the case that on the side of the defence any trifling straw is grasped at to save from drowning.

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MOULTON AND THE EMECHER LETTERS.

Another thing is obvious from this letter, that there was no assertion on the part of Mr. Wilkeson. There never has been a pretence made, so far as this evidence is concerned, of any demand or suggestion to Mr. Thism or Mr. Moulton that the papers or any papers connected with this transaction were to be burned, tounded upon any midea either of an expressed agreement to do it or any obligation arising out of any proceedings before the arbitrators or otherwise. Mr. Wilkeson had just completed that act of annests and conciliation, the trigaritie covenant. Then he apology and to Moulton or Thilton through Moulson, as an act of demency and of duty under the circumstances, to burn the apology and nothing else, what it there had been, gentlemen, such a promise upon the part of Mr. Moulton? Suppose in the exulerance of friendly leding which controlled and followed the tripartite covenant Titon and Moulton had said that they would burn all the papers connected with this scandal, and that after reflection, considering the possibilities of the future, there being no duty by any authority imposed upon these parties to burn the papers, there never having come from Mr. Beccher a single request or intimasion that he desired any paper to be burned, what if they had changed their purpose and determined to preserve these documents to meet any possible exigency that might arise in the integrity of Mr. Moulton, it destroys his credibility as a witness. Party to no proceeding; disconnected in interest with the arbitration; entering into no obligation to destroy these papers although requested them, and what obligation or duty has no violated? What is reduced any maper to be burned or were burned, this gentleman yet preserve them? I seeder supposed the papers were to be burned or were burned, this gentleman has invited about the coemity and a matter of gossip in this city and abroad, what if hed in determine to

Mr. Beach thus gave the first baif hour of the morning to a desence of Moulton for retaining the papers committed to his charge by Beecker. Moulton pulled his mustache and watched the speaker closely as he proceeded to exculpate him a treacherous part, in keeping a correspondence it was agreed upon to destroy.

from the charge of the defendant of having acted a treacherous part, in keeping a correspondence it was agreed upon to destroy.

This destruction of the papers.

Thion had received his \$1,000, putting him in comparatively easy circumstances and releving him of his pecuniary discress and difficulties, and was then able to prosecute the enterprise of the Golden Age. What was the trouble he had which Mr. Soulion annued to, and in reservence to which these papers may perimps be useful? The gentleman has not told us that. Is there saysting in this evidence, anything in any circumstances of difficulty, any possible trouble which was apprehended by Mr. Moulion, except that growing out of this very scandal which we are how investigatings and Mr. Moulion stands in the attitude in which is conceded to him in anticipation. Notwithstanding the arbitration and the award, notwithstanding the representation and the award, notwithstanding the arbitration and the surrounding circumstances and the knowledge which others possessed their destruction. This is a periodod to the many moulhs; it is a secret of the surrounding circumstances and the estruction. This is a periodod to too many moulhs; it is a secret officing too many interests; it as a secret officing too many interests; it is a secret of the baract of examinations hereafter except upon the trustail records and the evidences in these documents which it possess and hole as the record and single parties, and i will hold

Mr. Beach begins to grow hourse. He has been dealing with a very dry element in the scaudal, the Bowen arbitration, the most abstruse and uninteresting part of the whole case to the general public. But counsel is energetic nevertheless. Still the audience is hoping he will soon guit the subject and take up the Beecher correspondence or some more palatable feature of the scandal.

subject and take up the Beecher correspondence or some more palatable feature of the scandal.

WHAT THION INSISTED ON.

Mr. Thion, through all this difficulty, had been insisting that Mr. Beecher had been guilty of an offence toward him; air. Beecher missis had confessed it; I mean not in the general nature—to which I bean hot in the general nature—to which I bean aloud bereafter to prove the truth of this accusation—but m his statement neture—in sown picked committee he admitted as offence. Theodor's Thiron had been denounced through the whole length and breadth of this land as a calcumitator of henry Ward Beecher. Everywhere he had been denounced as the assailant of the proudest pastor of the greatest pulpin of the land. Could Theodor's Thiron have submitted to tais arbitration, this question affecting his monor and integrity and isme, without claiming a single word of justification in the award?—without, at least because confessed, however limited it may be and whatever its charactor, should have been declared by those aroutrators, that he might hold it up as its justification against these fold and destructive assaints upon his honor and finne? Why, gentlemen, it seems to me one of the most prepositions propositions shat could be advanced, and it is only done for the purpose of raving and calcuminating the gentlema who at that Gay stood unchallanged and unrebuked by Mr. Beecher, as the most providence of God, as Mr. Beecher as no degrading accusations against the new was no auspicion of Mr. Moulton; then there was no degrading accusations against Mr. Moulton; then there were no revisings and mutterings from which Mr. Beecher leaned, and loaned with an office of the statupon with the missing from which Mr. Beecher leaned, and loaned with an office of the part of the staff upon which Mr. Beecher leaned, and loaned with an office of the staff upon which Mr. Beecher leaned, and loaned with an office of the staff upon which Mr. Beecher leaned, and loaned with an office of the staff upon which Mr. Beecher leaned,

act performed by Mr. Beecher at that period with reference to any of the complications which surrounded Mr. Beecher, and there were many involving him in difficulty. He could not even receive a letter from victoris woodhul without sending to Mr. Soulton to know whether he should answer it, and at every step, and in all the perplexities for Mr. Soulton was the man to whom he resorted and in whom be trusted. But, gentlemen, why all this myrour about the non-destruction of papers, when over what is destroyed there is a chamorous outery, and when they are kept there are feroclous complaints. For these papers reveal no wrong if they are consistent with the thorsty and the construction of my learned friend are served and sound, what is the cause of this disturbance? Why do my friends complain that we kept their papers, their own writings, and produced them ? When they wanted them for use the papers did not disturb them. If their contents are so frivolous, so easily reconciled with the integrity and the innocence of Henry Ward Beecher, what is the trouble, gentlemen? Take your paper, be ludged by yourselves. Construe your own writings, and if they acquit your client—why bless God, and thank as that they your proserved. The difficulty is that these papers are of a deep significance which disturbed the conscience and excited the fears of their author and his advocates. They cannot be salisfied that they are kept. They speak loudnouthed, with clear and unerring force of truth, upon the subject of this scandal.

Having exhausted argument in defence of the action of Moniton in retaining the Beecher letters,

Having exhausted argument in defence of the action of Moniton in retaining the Beecher letters, counsel concluded by saying, "If they acquit you, Mr. Beecher, I thank God they are preserved," ooking Beecher straight in the face. A burst of applause was checked at this moment. A sympa-thetic audience evidently surrounded and gave a willing and friendly ear to the speaker.

whiting and friendly ear to the speaker.

BOWEN'S TESTIMONY CONSIDERED.

I do not think I am celled upon in this case to enter upon any detence of Heary C. Howen, I know, it the testimony of Mr. Tilton is true—and I taink I will satisfy you by and by that it is veractous—I know that Mr. Bowen acted an unfriendly part, to say the least, toward Mr. Tilton, I know that while he refused to both sides, both our learned friends and ourselves, all information in regard to the facts within his knowledge, all revelation as to the testimony he would give upon the stand, that we called him as a witness, and that relation usually imposes upon a lawyer an honorable duty of protection, so har as protection is justice. He was called, genticinen, as you well know, in answor to a demand. You telt the propriety and the necessity of hearing from Heary C. Bowen what he had to say upon the subject. Theodore Tilton had sworn that on the 28th day of December Heary C. Bowen had revealed to him diagraceful charges against Mr. Bescher. It is not necessary to repeat the details of those charges. They were of such a grave and serious character, according to Mr. Tilton, as to lead flenry C. Bowen had revealed to not necessary to repeat the details of those charges. They were of such a grave and serious character, according to Mr. Tilton, as to lead flenry C. Bowen is on the Standary that the promulgation of those charges would arrive Mr. Becener from his public and from Brooklyn in twelve hours. Mr. Bowen is on the stand, My Irlends do not ask him whether the one of the sum and Bowen on the 28th of December Theodor Filton to present this demand and be world back him up his. My friends did not ask Mr. Bowen whether, on the 28th of December were truthfully told by Mr. Tilton, My Irlends did not ask Mr. Bowen on the 28th of December were truthfully told by Mr. Tilton had moranly, upon the evidence he held in his own hands, he had undertained to pronounce Henry Ward Receher an unit occupant of the same to change his views and purposes and to b

Mr. Evarts was sitting beside Mr. Beach with a curious smile on his face, half ironical, half incredulous. Mr. Beach caught the expression and turned toward him to the amusement of the andience and excisimed, "Ah! my friend smiles ironicalig." But it was not Mr. Evarts alone that wore an ironical smile in the face of the jury, Shearman and Tracy worked their factal muscles to the expression of a sneer at the "lame and impotent" conclusions of the speaker.

Mr. Wikeson; the and aithough the seed the papers this gentleman gation or duty are assumed or ecause with a seasonated them after of gossip did determine saye partials. All seasonal them matter of gossip did determine guestion. It is a suncerty and an, Mr. Moulton has will Theowhat will the same principle and which is that upon the associated and made, re composed. It is not retaining the composed of the compose BOWEN NO FEIRND OF THEON'S.

avenue or door, and to call every person who, from their knowledge of the parties or connection with Plymouta church, could be supposed to throw any light upon this extraordinary and world wide controversy.

But Mr. Evarts proceeded to comment upon the relation by Mr. Thion to Mr. Seecher in their first interview, on the 38th of December, of the altered confession of his wife, and my friend then indulged in a most extraordinary vein of exultation. On, he knew—be knew he had Theodore Thiron, and you never will forget the unction with which he gave that declaration, as if he held the destinies of this case and of the whole earth in his hand. I did not interrupt him. I did not try to change a word he said, it was so strange and so extraordinary as illustration; and, by the way, and Irise friend of mine insisted that Mr. Swarts and Peach are plagnarists upon irish humor and wit, and long before he ever thought of it there was a better definition of a miracle. I never could tell a story; I should probably break down in telling it; but I have faith in my informant, who sometimes favors us with his presence and amuses us with his wit. His story is that an irish priest was giving—was preaching a serion on the subject of miracles, and giving a definition of the subject entirely satisfactory to himself, but one of his rustic hearers was a little uncertain about it. The definition was too learned; it was not practical enough and he did not understand it. subject entirely satisfactory to himself, but one of his rostic hearers was a little uncertain about it. The definition was too learned; it was not practical enough and he did not understand it. The man, at the end of the services, addressed the briest, "Your Reverence, I did not quite understand your explanation of a miracle; cannot you make it a little more pian!" "Yes, Pat, turn round," said the priest, and there was a sudden sind spasmodic extension of the flexor muscle of the lower limb of the priest, which somewhat interiered with the perpendicularity of Pat, and when he got himself turned round the priest said, "Did that burt you!" "On, yes, "said Pat, "Well, said the priest, "if it had not done so it would have been a miracle." (Great laughter.) If my friend has any uncertainty on that subject, if he will submit to a further illustration, it will be a more forcible litustration than the one we had a week ago. (Laughter and applause.) This illustration of Mr. Tilton now you see, you must remember, comes from Mr. Everts, who stated in his argument that Thion is a sailed ractorician, a vangiorious, loity and mmous utterer of big words, he gives in everything the idea of sermonizing, and that every word must be relied out with the utmost dignity. That is the man who is taking, and we must know to whom. That is what Mr. Everus says about him. Well, Mr. Everus says this relation was made by Titton, iresh from the discovery of his wife's suilt, from whom he had just learned of this admittery, and was raging with realousy, for the Scriptures say, "Jealousy is the rage of a man."

The old, did story, good to tell at any time, spread a cheerrul feeling throughout the andience. Mr. Beecher smiled hil over his indeed on the spread a cheerrul feeling throughout the lade of the spread a cheerrul feeling throughout the lade of the spread a cheerrul feeling throughout the lade of the spread a cheerrul feeling throughout the lade of the spread a cheerrul feeling throughout the sudience.

spread a cheerrul feeling throughout the audience. Mr. Beecher smiled all over his face and the Judge was moved to laughter. Mr. Beach is not equal to Mr. Evarts at this kind of work, but the story he had to tell was very short and simple, and needed little skill in narration.

and needed little skill in narration.

MRS. THITON'S CONFESSION.

Then he repeated the statement of the woman yet recking with the stains of adultery, and his manner, as said, would have been assonishing, even giving to Mr. Tilton the character he is said to possess, of being a wordy, tony and pompous taker. When was it? On the boun of December. The confession of his wife had been made in July previous, and it was that confession he was relating. For mr months he had stayed his hand, and he came to that interview with sir. Beecher under a restraint warranned and bound with the strong rage of a strong man burning within him, but he was under a promise and a pledge to take to this man in terms of friendship. He was sent by his wife for that purpose. She had learned of this combination which had been formed by Mr. Bowen for the persecution of Mr. Beecher—H you call it persecution—and she was alarmed, and pressed upon ber busond the terms made at the time the confession was given in Johy. Well, how, genutemen, I ngata recall your attention to this specific statement on the part of Theodore Titten. Mr. Bowen on Monday, the 20th, had told to Titton the adulticies of beecher. H that statement was faise, if no such downminication and charge had been made by Heary C. Bowen to Titton, as Tilton swears he had, why did not they ask Mr. H. C. Bowen as to the truin of that narrative? They had the means of then overturning it by our own witnessed, called and certified to by the lact that we called him to the stand, shove any imposement on our part, a witness whom they saw by this very relation to Tilton was an adversary to us, a witness whom they saw by this very relation to Tilton was an adversary to us, a witness whom they saw by this very relation to Tilton was an adversary to us, a witness whom they saw by this very relation to Tilton was an adversary to us, a witness whom they saw by this very relation to Tilton was an adversary to us, a witness whom they saw by this very relation to Tilton was an adversary to us, a witn

orable in his engagements toward us. They had the means, by one question to that witness, of stamping upon Theodore Titton the disgrace of faisehood and perjury. They dared not, and they did not accept the challenge. And it is to be taken as true because they did not contradict it when they had the means of contradicting it. And is the gentleman under these circumstances, by his keen railiery and his rapid wit and his false construction of this language and these scaliments—is be under these circumstances to throw out the sworn evidence of an unimpeached witness.

EVARTS' WONDERFUL RIERTORIC.

is he under these chromastances to throw out the sworn evidence of an unimposached withous, and the sworn evidence of an unimposached withous, and the skilled in all the devices of oratory; he knows how to touch all the springs of the human heart. But will the law portnit sworn evidence from a witness whom they have not dared to assail by the ordinary and proper modes of law, through impeachment of his character—is it to be crased from the record by the mere breath of counsel? And is that the mode which, in a great case, before a learned Court, justice is to be administered between citizons in your State? Now, Mr. Evarts was delighted with it. All the time his ciutan on Tilion was geding stronger and closer with every word he uttered. But Mr. Evarts says:—"Now, if Your Honor please, this indicates the nature of the communication concerning which my objection appates. I am understood, of course, as objecting distinctly to every branch of this." "Of course," says the Judge, turning to Mr. Evarts ironically, "you were deligited with this narrative." "Oh, have got this gentleman now. I can slay him with my rheleric, with my skilled touches of oratory here and there. I can destroy this; I have got the matter in my hand." Well, the wilness proceeds:—"Mr. Beecher then asked me what I meant by speating in that way of Elizabeth, and I then showed thim Mrs. Tilton's conlession, or a coop made in the carly part of the evening before, the original of which was in Mr. Moulson's possession," &c. Well, here a long argument ensues of a very skilled and sole character on the part of my learnest friend, all for the clessing of the moutes and the shutting out of evidence and obstructing the reception of the facts.

Mr. Beach was happy in his allusions to Mr. Evaris' rhetoric, the immense weight the acvocate for the defendant attached to his own weeds and

Evarts' rhetoric, the immense weight the advocate for the defendant attached to his own words and the little account facts and evidence were beside the classic language of the counsel. "Never mind what Moulton or Mrs. Moulton, or Tilton or anybody else testifies to, only let me talk and I'll get

you out of the scrape."

PRAYER AND RENEDICTION.

Well, I have said to you two or three times, gentlemen, that in constraing the acts of these parties, and the necessity of it will become apparent to you hereafter, we must consider the peculiar characteristics, situations and conditions of these various parties. One thing you know, that Elizabeth R. Thion worshipped Henry Ward Boscher. This is coniessed on all hands. Her character as a Caristian devotee; her temperament as a delicate, excitable, spiritual, ay, as Mr. Bescher says, an inspirational woman, has been given to you. I shall hereafter show to you, I think, the circumstances and mental conditions under which this woman was led to submit to the wishes of Mr. Beecher. But she was a peculiar lady, of deep emotional character, of somewhat strange and eccentric thoughts and feelings. Mr. Beecher was a great preacher, her pastor, loved still, for at that time the conviction of her sin had not fallen upon her conscience. The delusion by which as had been beinayed had not then been dissipated. She then recognized no wrong in the ast itself and embablity only in the astern of you out of the scrape." not fallen upon her conscience. The delission by which she had been beinyaed had not then been dissipated. She then recognized no wrong in the act itself and culpability only in the system of deceit, in the life of auplicity which she was leading. Now if this be the character of the woman, this the relation of the parties, there is nothing strange or inconsistent in the idea that Mrs. Titton should desire to make the first communication to Mr. Beccher that she had revealed to her husband the character and exient of her intercourse. Why, as between ordinary minds and men and beasts, in the practice of the vulgar and obscene adulteries of the time, why it is possible that the criticism of my learned friend would be true that there could be nothing of that delicacy of sentiment, of that elevation of lecting and emotion, there would be nothing of that spiritualized idea of the intercourse given by these parties, as I will snow you, to modify their case, to rehere it from the sensiousness and vulgarity of a lustful intercourse and to elevate it to that ideal which my learned friend expresses when he conceives it to be introduced by prayer and ended by a benediction. (Laughter).

Mr. Beecher raised his newspaper above his ince. The audience keenly relished the sentence

race. The audience keenly relished the sentence just given. The ladies were all in a flutter, a few of them blushed, and the rest laughed at the absurd degree of ceremony observed in the peculiar relations existing between Mr. Beecher and Mrs. criticism was to represent as the statement of Mrs. Tilton's in her own words, that she was intimate with Mr. Beecher for years, and that their friendship was close and confiding. Does anybody suppose that Mrs. Tilton used the precise United States. phrasoology contained in her communication to Tilton ?

Tition?

Counsel then continued:—I have pursued this far enough to show you the general character of the narrative made at mat time by Mra Tilton, and I fave done it for the purpose of illustrating the 'Dosition I made that this was not the revelat of a wrong done by Mr. Bescher to Mr. Tilton. In the pressure of which upon his heart and soul Incodore Tition was then burning and raging. It was a narrative of a preceding transaction of six months before. It was a narrative made necessary by certain immediate circumstances in which Theodore Tition had committed, according to his wife, an error of judgment with reference to their domestic condition and their relations to Mr. Beccher. He was called upon to have this interview with a man toward whom be felt in his heart a sentiment of reseaument and hostility which was enly covered and controlled by his own Christian resolution and by the restraint of his wife and her love. You may not believe it, sir addressing the foreman), it may excite incredulity in your mind, it may excite an ille of trongal disbebel, but you are bound to judge from the revidence. creddity in your mind, it may excite a sinke of romeal disbelief, but you are bound to judge from this evidence; you are not to adopt the prejudices of counsel; you have sworn to decide this case upon the evidence, and according to law; and I am entitled to a respectful hearing from this jury, and each and all of you. And I may ask the intelligence of this jury in this house, in its best excroses, and with its most impartial and just judgment, to consider the arguments which in answer to thirteen days' appeal I am attempting to make to the judgment and the consciences of this jury. Well, my learned friend spoke of the comments made by Mr. Thiton's representation of this interview upon the earlier moral condition of Mr. Titton and mocked at it. He could not do otherwise; having exalted the character of Mr. Beccher to a standard of intailible purity, having clothed it with the white robe of unsoiled sin through all this career, he could not, of course, admit that in any portion of it, there was ever any doubt of his exalted morality and purity of conduct.

The foreman of the jury had turned aside his

The foreman of the jury had turned aside his nead with a smile of incredulity. "You may not believe it, sir," thundered forth the counsel; "you may smile sarcastically, but you cannot disregard the evidence I present you with after listening for thirteen days to counsel on the other side. I am entitled to attention from the jury, and from each and every one of you." This remarkable break in the address created a decided sensation. Chester Carpenter, the foreman, kept his head turned away from the speaker during this scorening rebuke. All the defendant's counsel and the defendant himself appeared uneasy. Mr. Beach was heated and there was no telling what he might say. A scene was anticipated by every-Counsel fairly bearded the jury, and before he stopped the foreman's face turned to him

be stopped the foreman's face turned to him again.

BEECHER'S DELUMION.

But, according to Henry Ward Beecher Mrs. Tilton is a irutiful woman. Again and again asked upon the stand if certain things wers true as connected with the assertion of Mrs Tilton, his answer was, 'I don't recollect; but if Edzabeth R. Tilton said so it is true.'' What did she say of Mr. Beecher? Writing on the 25th of January, 1809:—"Four letters from you reached me to-day, including one to Mrs. Desmond and Oilver's letter to you. I did not go to Mrs. D.'s weeding, as it was celebrated at Mrs. Merriam's, in Springfield. Mother went on, and has not yet returned. I will forward your letter, though not the kiss. I think in reference to Oilver's (that is Oilver Johnson) opinion of Mr. B. (that is Mr. Beecher, as his rewards (remarks, probably) were made to Mr. Bowen, and they are embittered toward one another, that what Mr. B. said of you may appear very different through the coloring that. R. Bowen may give it. Oil: how my soul searns over you two dear men! You, my beloved, are ligher up than he. This I believe. Will you not join me in prayer that God would keep nim as he is keeping us? Off is tus pray for him. You are not willing to leave him testhe evil influences which surround him. He is in a decusion with you not see eye to eye and love one another as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This will not come to pass as you once did. This remarking be said

he remembered the wife of his youth, around whom the I resh tendrits of his heart had gathered with a clasp that no subsequent not had oroken; when he thought of the peace of that household and of those children whom he loved, although the counsel alleged that he bastardized one of the my when he thought of all the consequences, of the ignoming, the serrow, the disgrace that would follow to that household, and uplitted by the precepts of his Master, he stood up in the attitude of Christian manihoses and said, "I will not make this assault. Unworthy as Henry Ward Beecher may be, deadly as has been the stab he has indicted upon my honer and peace, elevertheless i will forgive him and stay the hand of my vengeance." In the highest of Christianity, actuated by the example of the Master, clinging hard and close to first eachings and His promises and this commands, is it not one of the grangest sights, the highest exaltations of moral grandeur to see human infarmicy elevating itself above its tendouces and passions and hiving close to the heart and daits of the Redeemer.

Along here Mr. Beach rose to a high flight of

Along here Mr. Beach rose to a high flight of cloquence, amid the profound silence of the audience. Mr. Beecher bowed his head and closed his eyes. Mr Tilton's eyes flamed with admiration of his advocate, who was freely gestioulating. hitting a trembling arm above his head and straightening himself up to the full measure of his stature.

straightening himself up to the full measure of his stature.

Who is to be blanch?

If there is anything in this matter; if it is all a myth and a shadow; if Plymouth church has been convuised with nothing; if the whole world has been disturbed and moved, it you please, with the feeling of the guilt of Henry Ward Section, without any evidence, without any fact of any reality in it, let us leasn it—learn it by the bold, frank declaration upon the part of the jury, that there is nothing in the truth of what four withosses swore to. Now, you will remember that we were not permitted to prove what this statement made on the 28th of December was. We offered it, we could have proved it by two witoesses. They objected to it. The court rnied it out. We struggled as best we could for the admission of the evidence we desired that you should hear—what these two witnesses, Thion and Moulton, should say upon the subject—and give you the opportunity to say whether they were to be rejected. If you disbelieved them, why the plaintiff's case failed, and their statement of what this writing of Mrs. Thion contained of course would be discredited and discelleved. My friends would not have it. The witnesses would have toid you according to their best recollection, I assume, and upon their consciences and oaths. What was just in that writing and why it was destroyed I will take of by and by. But I repeat it, our friends would not have it, and who is to be blamed? When Mr. This on rean it to Mr. Beecher must have undorstood what it was. He says that the charge was improper solicitation. Mr. Tilton says it was sexual intercourse.

Mr. Shearman—Mr. Beecher never said so.

Mr. Beach (continuing)—That the charge he made upon that ocasion against Mr. Beecher was not sexual intimacy. Well, if Mr. Tilton and Mr. Moulton could have sworn as to the contents of the statement that Mrs. Tilton made and communicated to Mr. Beecher at the time what it was exaal intimacy. Well, if Mr. Tilton and Mr. Moulton could have sworn as to the contents of the

AFTER THE RECESS. confusion in the afternoon. The coming back of those who had gone to lunch and the pushing and struggling for seats made up a scene of lively and exciting turmoil. Out in the corridor a greater number of people than were within the waits of the court room, which was already full to the doors, stood waiting for admission. Beecher has evidently made up his mind not to attend the afternoon sessions. He was again abent yesterday, but he took the considerate precaution of sending back his wife, with whom sat Mrs. Field, the great friend of Mrs. Tilton. Mr. Beach labored under an increasing hourseness, but he showed no luck of vigor, and bowled along to the end of the day's proceedings with his characteristic spirit. He carried the audience away with him when he came to deal with Evarta' "argument" that Beecher was entitled to great consideration because of the services he rendered the Union in England when he spoke before howling audiences

The speaker thought that Evarts had spent too long a time at Geneva to remember what was que to the self-respect and independence of an American jury.

can jury.

Mr. Beach, in resuming, criticised the relation given by Mr. Tilton of the confession of his wife, as made by her, on account of its particularity; that it was too precise and formal; that one speaking under the circumstances in which a wife was supposed to be situated—making a reveation of this character to her husband—could not by any possibility have so controlled her emotions and their effect upon her mental operation as to descend to the minutize of detail; that on speaking of the commission of this offence, to say that it was committed at No. 174 Livingston surfet. Well, I suppose a very reasonable explanation of that phraseology would be that they had resided at two places on Livingston street—at Nos. 48 and 174, and in giving an account to her husband of the circumstances connected with her disnonor she says they occurred at the place where they resided. She undoubtedly did not use the words No. 174 Livington street. Mr. Tition, in where they resided. She undoubtedly did not use the words No. 174 Livington street. Mr. Tilton, in communicating the information which he received from his wife, clothed it with those specifications, with that language. Well, Mr. Evaria contends that this is incredible, that Mrs. Tilton should have used the language "My pastor, Mr. Beecher," in identifying him against whom this charge should be made. I am not able to appreciate the force of that criticism, and I am referred to a memorable example which I suppose will not be doubted in its authenticity and which would equally challenge the criticism of my testned friends. When Jacob asked Labau for his daughter he says, "I will serve thee seven years for Eachel the younger." Well, the Scriptures are thought to be tolerable rhstoric—pretty reliable standard for the use of language. Now, when Jacob thus specified Rachel as the younger, it seems to be admissible for Mrs. Tilton, speaking of Mr. Beecher, to speak of him as "Mr. Beecher and my pastor." It implied something of intensity and possibility of rounke. The max was not only Mr. Beccher, but "my pastor," and that is a wonderful implication in that form, as we shall see. In answer to the idea which seems to grow out of the testimony of both the principal actors in the transaction, that this woman, so exaited and spiritual delusion operated upon her senses and ner inclinations, Mr. Everta has said, "Why, so mas spiritual delusion operated upon her senses and ner inclinations, Mr. Everta has said, "Why, so mas spiritual delusion operated upon her senses and ner inclinations, Mr. Everta has said, "Why, so man in all the history of the world has used such arguments to persuade the virtue of a not nave failen unless some specious sophistry, some spiritual delusion operated upon her senses and ner inclinations, Mr. Everte has said, "Way, no man in all the history of the world has used such arguments to persende the virtue of a woman as are attributed to Mr. Beccher—that the induspence of love is innocest, that we cannot control the passions and conditions of our nature; we cannot shut our eyes to beauty and loveliness; we cannot close our hearts to the approaches of tenderness and affections of those who are lovable, therefore it is justifiable to love, and if that be justifiable in the ordinary forms through and by which love is manuested and intensified." Nobody could use such language. Watter Scott is supposed to have been a tolerably good scholar in human nature, and yet he sever penned anything like that. He has been considered as a great master of human nature. In "Woodstock," an historic romance which develops to a great extent the wonderful career of Cromwell and his redoubtable fromtides, one of his characters there was a Master Tompkins, a man who fought with the Bible on his lips and who was as independent a preacher as Flymonth church—a law unto itself, judging for itself, acharottes there was a Master Tompkins, a man who fought with the courage of refigious zeal, were very interval between the battles, and who fought with the toourage of refigious zeal, were very remarkable characters. This Master Tompkins was a ismous exhibited with a softness of human nature, and even the slowness of his bigotry and the rigidity of his refigion could not entirely exclude the temptations of the fless. While they were occupying the old runs of Woodstock, the old but somewhat demolished nome of a royalist, he came into contact with the daughter, sait is said, of a bold forester, named Pache. Well, she was drawing water at the well, and he attempted to introduce familiarily with her by offering to carry the picher. Well, she resented this, and be says:—"Stand up, foolish maiden, and know that sin for which

punished with the vengeance of heaven lies not in the act, but in the thought of the sinner. Believe, lovely Phebe, that to the pure all acts are pure, and that sin is in our thought and not in our actions, even as the radiance of the day is dark to the biling man, but is seen and enjoyed by him who has eyes to receive it. To him who is but a nevice in the things of the spirit much is enjoined, much is prohibited and he is fed with milk fit for babs. For him are ordinances and profibilitions and commands; but the saint is acove these ordinances and restraints. To him, as the chosen child of the house, is given the pass key to open all locks which withhold him from the enjoyment of his heart's desire. Into such pleasant paths whill golide thee, lovely Facce, and shall unite in joy and in innocent freedom the pleasures which to the privilegesi are not prohibited." Well, here is the mouths of two or three withesses. It is the mode in which he is alleged to have actionsed this lady, and united with all the other influences which clustered around him as the groat gonius and the distinguished preacher, and we and under the treatment of a great novelles, of a man versed in all the intricacles of human knowledge and suman experience, tracing out the casersting of human experience, tracing out the

with nachty to nature, the same idea is suggested, well, Henry Ward Bescher has read that undoubledly. A man who reads Dumas will not neglect Waiter Soott. And very many, as is the case with all of us, very many of the brightest and highest conceptions of our minds are derived from these sources of information, because there is very little originality in the world. These are original forms of expression, but it would be difficult to indicate a thought, a sentiment, a principle of morality, of nature or science that has not been long ago dreamed of and developed. It is not very surprising, if it be true, that Henry Ward Beecher was, in his intercourse with this lady,

ward Beccaer was, in his intercourse with this lady,

GOVERNED BY LUST,
or if onder the flerceness of temphation he yielded to the attractions and the opportunities of the situation, it is not surprising that Mr. Beccher, should have used arguments of this character and addressed to this woman this sort of sentiment.

ANOTHER GREAT MAN.
as great as Beceler, as lofty in all the paths of knowledge, as consecrated in the hearts of the world as Heary Ward Beccher, puts late one of this characters and gives to the authenticity of his name the sentiments of arguments of like kind. When Mr. Evarcs says that no human latelloce ever dreamed of arguments of this character addressed under such oftenmistances to the seduction of virtue i present the example as delineated by Walter Scott. If Your Honor please, a logal principle or two upon the subject of confessions, fortified by authorities, have been submitted to Your Honor. I have no occasion to contend with them, I admit every proposition of my learned, friends upon the subject. I maintain the same doctrine. But do not my friends see that, when they are claiming the benefit of their propositions of their own virtues, they have operated with force and efficiency in favor of their adversary? It is said that the confession of Mrs. Thion is no evidence against this defendant, Granted, and new again and again acceded to the proposition. It is only when that confession is detailed to the party whom it implicates, when with precision and with the motives under all the possibility of the communication, and in the character it was made to Mr. Beecher, and he misks tottering from the presence of his accuser; excalming.

"This will Kill Mr."

qualted and withered beneath the charge and he sinks tottering from the presence of his accuser, exciaming.

'This will kill ME!"

It is only then that the consession of Elizabeth Ratiton becomes significant and important. 'Well, 's says my friend, ''or course it was a confession.' Ab! there is the great error of their position. They assumed that the document of December 29 was the confession, and that was expected from Mrs. Thion. The confession which was related to Henry Ward Becoher, and which in the moment he dared not stand up and deny like a man, was the concession made six months ago. What was the concession made six months ago. What was the concession made six months ago. What was the narrative submitted to him containing the 20 constitution made against

HIS HONOR AND HIS VIRTUE.

And it was the manner in which he received that. The silence and submission and broken heartedness with which he listened to that, gives to that confession and to list statement the force of convincing and denouncing the proof. Now It care not for the purposes of this case whether the statements given by Mrs. Titton and her nusband on the 29th of becember was won from her oy importunities and solicitations. The situation of things, the conditions in watch the pastor was piaced, the parposes for which this writing was to be used. I submit to you, contracted any such aupposition. Theodore Tilton did not want to use it for the purposes of making an accusation; he did not use it for the purpose of making an accusation; he did not use it for the purpose of which this writing was to see used. I submit to you, contracted any such aupposition. Theodore Tilton did not want to use it for the purpose of was the lide of cinital to the purpose of making an accusation; for in the very instant when he presented and read it to Henry Ward Beecker he professed to thim selence. He wished why, under the teaching and influence of his wife he was throwing off his armor! He was without the was throwing the assault he had made upon Mr. Beecher; see

motive and produced the effect which I have described to you.

DOES ANYBODY SUPPOSE

that Mr. Moulton means to believe that Mr. Beecher was sensible of his guilt, and do you suppose that moulton suggested the charge of oriminal intercourse to some persons and contradicts that to other persons? The Court will, Mr. Beach hoped, instruct the jury to draw common sense conclusions of the whole evidence, weighing each detail and circumstance in the estimation of the whole. We are seeking, not to destroy the character or standing of any witness on this trial, but we are doing the best we can to reach the truth. My only purpose is to present to you what I conceive to be a professional and logical argument of this case. I agree that human memory is imperfect, and I do believe that there is more involuntary perjury committed in a control juatice than you or I can conceive, but we are not then to rely upon mere surmises and conjectures. No man can give the details of facts, of occurrences of a few years ago. But when persons retain disconnected and separate recoilections of details of an occurrence which agree on the central fact, it is an evidence of trata. In such an instance there is nothing to suggest that of Englishmen in sustaining the position of the sons retain disconnected and separate recodections of details of an occurrence which agree on the central fact, it is an evidence of trott. In such an instance there is nothing to suggest that compact uncerstanding. Mr. Moulton came here telling conversations of three years ago. Theodore Tilton, you, likewise, Mr. Beecher, you are no filtered the position. Bessie Turner, you are something worse off. (Langhter.) I don't believe there is a witness recounting occurrences of three years ago, or even one year ago, who has given a precise and whole narrative of that occurrence. It would be contrary to the experience of the world, But suppose five years ago, on a certain occasion, I broke suadenly on your attention, and I said, "Sir. I nave just killed a man!" and I relate the circumstances and the motive, and I urge you to slience, and you believe that there are pailiating circumstances about my guilt. At length justice cries out for me and I plead, and the law calls you as witnesses to reveal the guilt. You retain the memory of the central fact though you differ as witnesses under the cross-examination of astiful counsel for the deleage. Moulton, Titon and Mrs. Moulton and all the rest may err in the circumstances and the decape. Moulton, Titon and Mrs. Moulton and all the rest may err in the circumstances and the decape. Moulton, Titon and Mrs. Moulton and all the rest may err in the circumstances and the decape with bowed head and moistened eye confessed his seduction of Mrs. Tilton, there is no mind that could forget such a circumstance as that. No witness can lorget that Mr. Beecher, so grand, so powerful, so clevated, when confronted with the accusation of having seduced Mrs. Tilton, in profound sorrow and remorse confessed it. Gounsel then cited from the testimony the passages bearing on the subject, and continued:—Well, now of having seduced this must have escaped the received this must have escaped the received this moult be subjected to these disnonoring reflections upon his character? My triend Porter begi

and jet, in submitting his case to the jury, he makes a

PHERCE ATTACK UPON THEODORE TILTON

for the very act which he first charged and then withdrew. I kon't know, I don't believe, whatever your conclusion may be, atthough you should give the juliest testimonial in favor of the integrity and the truth and the honor of Theodore Tilton—I don't believe in the long years to come he will ever recover from the damage of these accusations. They have been made too long; they come from sources too high and powerful, and grand as I think him to be in many of the attributes of manhood, learned and cultivated, and industrious and truthful and honorable as you may believe him to be, yet he has upon him a weight of calomny and suspicion which even the broad strength of his character mast be bravely exerted to lift. What panacea will ever reach the offculation of the opening of this case? How, how will the defence which is made on behalf of Mr. Thion in assentiates made on the character of Theodore Tuton, ever reach with the autidote the wide circulation and the powerful impression which such language as that uttered by Mr. Porter and Mr. Evarts will produce? You cannot repair the injury, gentlemen. You can do something toward justice.

But another singular argument was used by the

Evarts will produce? You cannot repair the injury, genticmen. You can do something loward justice.

But another singular argument was used by the learned counsel, Mr. Evarts. He ailuded with becoming pride to the efforts of Heary Ward Beecher among the populations of England. It was at a great crisis in our history. A great struggle between the different sections of this Common wealth was waging. The question of this Common wealth was waging. The question of this type of slavery, the question of union or tivision, was balancing fearfully in the scale of events. There were many brave and true-bearied patriots who disbelloved in the power of the North and in the strength of the Union to maintain it indivisible and it was in that exigency that the animosity of England in its aid to the south and in its cold countenance to the North was sustaining the audacious rebellion, as henry ward Beecher believed, with fairs does with regard to the issue of that great condict, in regard to the cardinal principle which laid at the root of the hostility and the fight. They knew and believed the that great question was one of servitude or freedom to the eight, they are decener underdook, and performed, nobly and gloriously the task of disabusing the mind of England, reaching the hearts of her middle classes and of her yournanty, those classes which control and are beginning more and more to control the destinies of the old country. And he was met with derision and scorn. He was assailed at his meetings, where seldresses ware to be delivered upon this subject.